

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

In Re: PHARMACEUTICAL INDUSTRY	)	MDL DOCKET NO. 1456
AVERAGE WHOLESALE PRICE	)	
LITIGATION	)	Master File No. 01-CV-12257
	)	Subcategory Case No. 06-CV-11337
<hr/>		
THIS DOCUMENT RELATES TO:	)	Judge Patti B. Saris
<i>U.S. ex rel. Ven-A-Care of the Florida Keys,</i>	)	
<i>Inc. v. Abbott Laboratories, Inc.</i>	)	Magistrate Judge Marianne B. Bowler
Civil Action No. 06-CV-11337	)	
	)	
<i>U.S. ex rel. Ven-A-Care of the Florida Keys,</i>	)	
<i>Inc. v. Dey, Inc., et al.</i>	)	
Civil Action No. 05-CV-11084	)	
	)	
<i>U.S. ex rel. Ven-A-Care of the Florida Keys,</i>	)	
<i>Inc. v. Boehringer Ingelheim Corp., et al.</i>	)	
Civil Action No. 07-CV-10248	)	

**LIST OF PENDING DISCOVERY MOTIONS FOR  
ABBOTT LABORATORIES INC.**

Pursuant to the Court's August 5, 2009 instructions, the undersigned counsel for Abbott Laboratories Inc. hereby submits the following list of pending discovery motions for consideration by Magistrate Judge Marianne B. Bowler to be heard on Sept. 14, 2009:

Abbott Laboratories Inc.'s Motion for Sanctions and for a Finding of Spoliation [Dkt. No. 6096-97, Sub-Dkt. No. 218-19.]

Dey Inc.'s Motion for Sanctions and for a Finding of Spoliation [Dkt. No. 6109-10, Sub-Dkt. No. 222-23.]

Roxane Defendants' Motion for Sanctions and for a Finding of Spoliation [Dkt. No. 6254-55, Sub-Dkt. No. 274-75.]

While not all of these motions were filed by Abbott, they are related.

Dated: August 19, 2009

Respectfully submitted,

By: /s/ Brian J. Murray  
James R. Daly  
Tina M. Tabacchi  
Jason G. Winchester  
JONES DAY  
77 W. Wacker Dr., Suite 3500  
Chicago, Illinois 60601-1692  
Telephone: (312) 782-3939  
Facsimile: (312) 782-8585

R. Christopher Cook  
David S. Torborg  
JONES DAY  
51 Louisiana Avenue, N.W.  
Washington, D.C. 20001-2113  
Telephone: (202) 879-3939  
Fax: (202) 626-1700

*Counsel for Abbott Laboratories Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 19, 2009, a true and correct copy of the foregoing **LIST OF PENDING DISCOVERY MOTIONS FOR ABBOTT LABORATORIES INC.** was served upon all counsel of record electronically by causing this motion to be posted via Lexis-Nexis.

/s/ Brian J. Murray

---